

PATENT

Attorney Docket No. 04676.0186-00

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Chikamasa Yamashita et al.

Application No.: 10/538,781

Filed: June 10, 2005

For: Freeze-Dried Interferon- $\gamma$ -Composition  
for Transpulmonary Administration and  
Inhalation System Therefor

Group Art Unit: 1616

Examiner: James Henry Alstrum  
Acevedo

Confirmation No.: 9421

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**DECLARATION UNDER 37 C.F.R. § 1.132**

We, Chikamasa Yamashita and Shigeru Ibaragi, hereby declare that:

- (1) We are the inventors named in the present application and are the only joint inventors of the subject matter of claims 1-14 in this application;
- (2) We are also joint inventors named in U.S. Patent No. 7,448,379 (the '379 patent), granted November 11, 2008, along with Yuichiro Fukunaga and Akitsuna Akagi.
- (3) Yuichiro Fukunaga and Akitsuna Akagi did not contribute to the conception of the unclaimed disclosures in the '379 patent relating to the use of at least one hydrobic stabilizer together with at least one hydrophilic stabilizer in freeze-dried interferon- $\gamma$  composition for transpulmonary administration - the claimed subject matter of the present application. This disclosure related to an invention made by the applicants named in this application.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: April 22, 2009By: Chikamasa Yamashita  
Chikamasa YamashitaDate: April 22, 2009By: Shigeru Ibaragi  
Shigeru Ibaragi